IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the 28th day of July 2005
Criminal Misc. Bail Application No. 667/2005
Order on the bail application of accused

CRIMINAL SIDE

Gopal Singh Kapkoti
S/o Ram Singh Kapkoti
R/o Village Kapkot
Patwari Area Karmi (Kapkot)
Bageshwar .....Applicant

Versus

State of Uttaranchal .....Opposite Party

Arising out of case crime No. 4 of 2005
U/s 376, 506 I.P.C.
Patwari Area Karmi (Kapkot)
Bageshwar

Hon'ble J.C.S. Rawat, J.

Heard Sri B.S. Adhikari learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The learned counsel for the applicant contended that the prosecutrix is major. Smt. Basanti Devi saw the incident of dragging the prosecutrix to the house of the accused and she also struck stones on the accused, but she belongs to the village of prosecutrix. No report has been lodged by any of the villagers. It was further contended that even the prosecutrix did not narrate the story to her elder sister, but later on she narrated the story to her cousin after a lapse of thirteen days. The incident took place on 26.5.2005 and the report was lodged on 8.6.2005 after a lapse of about fourteen days. The learned counsel for the applicant contended that the prosecutrix was the consenting party. When the accused did not accept her then the prosecutrix lodged the report. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused the released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated: 28.7.2005